



COMMONWEALTH OF MASSACHUSETTS

**DEPARTMENT OF AGRICULTURAL RESOURCES
251 CAUSEWAY STREET, Suite 500
BOSTON, MA 02114**

REQUEST FOR RESPONSE (RFR)

RFR File No. AGR-GATF-08

FOR

Massachusetts Aquaculture Grants Program

Initial responses due no later than 5:00 PM on April 28, 2008.

Purchasing Department: **Department of Agricultural Resources**

Address: 251 Causeway Street

Suite 500

Boston, MA 02114

Telephone Number: (617) 626-1728

Fax Number: (617) 626-1728

Email: daniel.rhodes@state.ma.us

RFR File Name/Title: Massachusetts Aquaculture Grants Program

RFR File Number: AGR-MAG-08

AGR-GATF-08 Procurement Team Leader / RFR Contact Person: Daniel Rhodes

Procurement Management Group/Category: Environmental Services

1. DESCRIPTION OR PURPOSE OF PROCUREMENT:

The Massachusetts Department of Agricultural Resources invites responsive proposals to fund demonstration projects, feasibility analyses and applied research efforts that are responsive to the needs of the Massachusetts aquaculture industry and support the promotion of growth, diversification and continued development of the aquatic cultivation industry of the Commonwealth of Massachusetts.

The Massachusetts Aquaculture Grants Program (MAG) was created in response to the Commonwealth's interest in aquaculture development and the opportunity for diversification of fisheries and agricultural enterprises in Massachusetts. This program encourages environmentally responsible projects that can demonstrate public and industry benefit through work that will:

- result in the development and implementation of new technologies, products, processes or services;
- reduce aquaculture industry operating costs thereby increasing business profitability;
- increase the productivity of Massachusetts aquatic cultivation endeavors; Generate or enhance marketing opportunities for Massachusetts aquaculture products;
- preserve existing jobs and/or result in new employment opportunities **either directly or indirectly in aquaculture** within the Commonwealth of Massachusetts.

Mission Statement:

The mission of Department of Agricultural Resources Aquaculture Program is to foster the sustainable development of private/public aquaculture endeavors throughout the Commonwealth of Massachusetts through coordinated efforts including education and research, best management practices and demonstration projects, technical and economic assistance.

Funding Priorities:

Diversification and alternate species

Implementation of best management practices or methods which will provide for environmental stewardship

Development and/or testing of new aquaculture gear and technologies

Development of collaborative or cooperative efforts among industry members to improve overall aquaculture business viability (Examples: purchasing, marketing, handling etc.)

Management techniques for cultured finfish or shellfish diseases, pests or predators

Research efforts which address cultured finfish or shellfish diseases, pests or predators

Formal aquaculture education programs, seminars or workshops

General public aquaculture promotional or public relations events

Eligible Applicants

Eligible applicants include, but are not limited to the following, however all proposed projects must include at least one private industry partner. (*Special Note:* Private industry partner - defined as those individuals holding a current shellfish or finfish aquaculture permit)

- Industry Members
- Educational Institutions
- Trade organizations
- Private consultants.
- Non-profits or economic development organizations

2. ACQUISITION METHOD:

Grants

3. NUMBER OF VENDORS REQUIRED:

Multiple

4. SINGLE OR MULTIPLE DEPARTMENT USERS:

Single. Only the Department of Agricultural Resources may contract under RFR# AGR-MAG-08

5. ANTICIPATED CONTRACT DURATION INCLUDING RENEWAL OPTIONS:

Anticipated contract length is one year

The Department has the option to renew the contract for two additional one year periods

6. ANTICIPATED EXPENDITURES, FUNDING OR COMPENSATION:

ALL FUNDING IS SUBJECT TO APPROPRIATION

The maximum award through this RFR will be no more than \$50,000 per project.

Vendor must provide a 1:1 or better cash or in-kind match to funds requested through this Program. (i.e. for each dollar requested through this RFR, the vendor must provide a match of one dollar cash or equivalent services such as labor, equipment use or supplies)

Funding through this RFR will be provided to the bidder submitting the proposal that is selected by this RFR's procurement management team. Responsive proposals will be selected based upon funding availability and upon the proposed project's ability to successfully address one or more of the priority issues that are identified in section

7. DESCRIPTION OR PURPOSE OF PROCUREMENT:

Successful responsive proposals will support development, diversification and/or sustainability of the Massachusetts aquaculture industry.

The Procurement Management Team organized for this RFR will rank responsive Proposals by the following criteria:

- How effectively the responsive proposal addresses one or more of the priority issues that are identified in section 1. **DESCRIPTION OR PURPOSE OF PROCUREMENT**

- The ability of the vendor to complete the work proposed
- The degree to which assistance obtained through this RFR will permit leveraging of matching resources from private foundations, industry, individual donors and/or the Federal Government.
- The degree of innovation demonstrated by the proposal
- The appropriateness of the budget showing competitive costs for items and labor.
- The technical, legal and economic feasibility of the proposed work
- How the information generated by the project and project results are disseminated to the industry and general public.
- Applicability of the project results to the Massachusetts aquaculture industry as measured in production, economic or environmental benefit.
- Evidence that permits for proposed activity(s) are in possession and appear appropriate for proposed activity

The Department seeks responses that propose projects that provide the best value to the Commonwealth. Such projects will provide the greatest quantity of commodities and services at the highest quality for the anticipated maximum award amount.

The Department reserves the right to alter budget items, as well as adding and removing tasks that will be developed as part of the contract scope of services and performance specifications.

8. CONTRACT AND PERFORMANCE SPECIFICATIONS:

The vendor(s) selected through this RFR shall adhere to following terms and conditions:

- Submit proof of expenditures (i.e. paid invoices, receipts and account records) for in-kind services or operational costs that are consistent with the project scope of services.
- Provide documentation at the conclusion of the contract in the form of a final report that indicates the work accomplished by the project, project outcomes and results including any blue prints, operational management strategies or other information relevant to project development and results.
- Upon request of the Department, the vendor selected to provide services through this program will participate in a results presentation and/or schedule a project site/facility tour for Department personnel.
- Have all municipal, state and federal permits, licenses and other approvals that are applicable to the project activities in place at the time of proposal submission and over the duration of the proposed project.
- Any equipment and/or project products purchased through this program or generated by the project are property of the Department and may be retained by the Department

if the vendor is unable to fulfill the terms of the contract.

- The selected vendor will be required to provide progress reports on a time schedule determined by the scope of services. The progress reports will provide details regarding efforts toward the completion of tasks that will have been identified in the scope of services

9. INSTRUCTIONS FOR SUBMISSION OF RESPONSES:

Proposal Format:

Responsive proposals should be a maximum of 8 type written single sided pages, (not including resume and/or vitae attachments and appendices) using no less than 10pt font, formatted according to the following:

RESPONSIVE PROPOSALS THAT DO NOT FOLLOW THE FORMAT DESCRIBED BELOW WILL NOT BE ACCEPTED FOR REVIEW AND WILL BE RETURNED TO THE PROPOSAL SUBMITTER

9.a COVERPAGE

Title of proposed project

Name and title of applicant(s)

Address, telephone number, fax and e-mail (if applicable) of applicant(s)

Total project cost

Amount of funding requested

Amount of match and type (i.e. cash, in-kind, other)

Begin and end dates of proposed project

Name, address, telephone, fax and E-mail of proposed project contact if other than Applicant

9.b. PROPOSED STATEMENT OF WORK: (no more than 5 pages not including attachments)

Responses must include a statement of work that describes the activities and work that will be done to accomplish the objectives of this RFR and how the terms and conditions of this program will be met (For RFR objectives refer to Section **DESCRIPTION OR PURPOSE OF PROCUREMENT**)

Responsive proposals should respond to the following:

1) How will the proposed project accomplish the objectives of this RFR?

- provide a description of the methods and technologies that will be employed to accomplish objectives of this RFR

2). What specific activities will be undertaken?

- provide a description of activities and process to be undertaken
- indicate the expected products and deliverables that will result from the proposed project's work

3). When will the various work and specific activities associated with the proposed project take place?

- provide a milestone chart that identifies the specific activities and work that will be accomplished toward fulfillment of the objectives of this RFR

4). Where will the proposed project activities take place and are appropriate facilities and resources in place to carry out the work activities stated above?

- indicate equipment requirements for the proposed project and existing facility infrastructure that is in place to accomplish the proposed project tasks

- attach copies of any and all applicable permits that allow proposed activities at the identified facility

5). Who are the project personnel? (Please attach resume or vitae no more than 2 pages for each participant)

- indicate specific roles and responsibilities of project personnel
- provide a description of project management

Statement of public purpose:

Identify the expected public benefit of the proposed project. Indicate how the expected benefit of the proposed project will be conveyed to the public. (e.g. public access, public education, public use, etc.)

9.c. PROJECT BUDGET (ONE PAGE)

Submit detailed cost estimates identifying total project cost. Total project cost should be further defined as match and/or requested funds and categorized according to the following items: Salaries and Wages; Permanent Equipment; Expendable Supplies and Equipment; Travel; Publication and Documentation Costs; Other Costs.

- Submit proof of expenditures for in-kind services that are consistent with the project statement of work.
- Submit evidence of matching funds (cash and/or in-kind) that are equivalent to 50% of the total project cost.

9.d. PROJECT MANAGEMENT AND RESPONSIBILITIES OF KEY PERSONNEL (1 page):

Identify the projects key personnel, the specific responsibilities of all project participants and how the participation of identified project personnel will compliment the proposed project. Also indicate the projects management scheme and how individual tasks will combine to accomplish the goals and objectives of the overall project .

9e. ATTACHMENTS AND APPENDICES

Attachments and appendices should include resumes and/or vitae of project personnel that are no more than two pages in length and copies of relevant permits for the proposed activities. Additional information will not be reviewed.

Submit the original and 3 copies to the program contact.

10. DEADLINE FOR RESPONSES:

Responses to this request must be sent to:

Daniel Rhodes, Grants Manager
Massachusetts Department of Agricultural Resources
251 Causeway St Suite 500
Boston, MA 02114-2151

Responses will be accepted up to 5:00 PM on April 28, 2008. Responses must be mailed or hand carried.

Written questions regarding this RFR may be submitted up to one week before the response deadline (April 18, 2008 by 5:00 PM) and should be emailed, mailed or faxed to the attention of Daniel Rhodes at daniel.rhodes@state.ma.us

11. Required Attachments:

Any contractor who is selected for work outlined in this RFR must complete the following Commonwealth contract forms and documents, copies of which can be located electronically on the Comm-Pass Terms and Forms page.

- 1.) Commonwealth of Massachusetts Standard Contract Form
- 2.) Commonwealth Terms and Conditions
- 3.) Contractor Authorized Signatory Listing
- 4.) W-9

The selected contractor is encouraged to sign-up for electronic fund transfer. This can be done by going to the website named below and following the provided instructions.

<https://massfinance.state.ma.us/VendorWeb/eftRegisterfrm.asp>

12. RFR - REQUIRED SPECIFICATIONS

Issue Date: November 1, 2005

Refresh Date: August 13, 2007

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Items with the text, "*☞ Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under *801 CMR 21.00, Procurement of Commodities or Services, Including Human and Social Services* and *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Service*.

Affirmative Market Program (AMP). Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Affirmative Market Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. All bidders must follow the requirements set forth in the AMP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs. Bidders are required to develop creative initiatives to

help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of AMP objectives, the Affirmative Market Program (AMP) Plan for large procurements greater than \$50,000 will be evaluated at 10% or more of the total evaluation. Once an AMP Plan is submitted, negotiated and approved, the agency will then monitor the contractor's performance, and use actual expenditures with SOMWBA certified contractors to fulfill their own AMP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size, however, submission of an AMP Plan is mandated only for large procurements over \$50,000.

This RFR will contain some or all of the following components as part of the Affirmative Market Program Plan submitted by bidders:

- Sub-contracting with certified M/WBE firms as defined within the scope of the RFR,
- Growth and Development activities to increase M/WBE capacity,
- Ancillary use of certified M/WBE firms,
- Past Performance or information of past expenditures with certified M/WBEs and
- Additional incentives for bidders to commit to at least one certified MBE and WBE in the submission of AMP plans.

A Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), M/Non-Profit, or W/Non-Profit, is defined as such by the State Office of Minority and Women Business Assistance (SOMWBA). All certified businesses that are included in the bidder's AMP proposal are required to submit an up to date copy of their SOMWBA certification letter. The purpose for this certification is to participate in the Commonwealth's Affirmative Market Program for public contracting. Minority- and Women-Owned firms that are not currently certified but would like to be considered as an M/WBE for the purpose of this RFR should submit their application at least two weeks prior to the RFR closing date and submit proof of documentation of application for consideration with their bid proposal. For further information on SOMWBA certification, contact their office at 1-617-973-8692 or via the Internet at mass.gov/somwba.

Affirmative Market Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder's Affirmative Market Program (AMP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors.

Agricultural Products Preference (only applicable if this is a procurement for Agricultural Products) - Chapter 123 of the Acts of 2006 directs the State Purchasing Agent to grant a preference to products of agriculture grown or produced using locally grown products. Such locally grown or produced products shall be purchased unless the price of the goods exceeds the price of products of agriculture from outside the Commonwealth by more than 10%. For purposes of this preference, products of agriculture are defined to include any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products, the raising of livestock, including horses, raising of

domesticated animals, bees, fur-bearing animals and any forestry or lumbering operations.

Best Value Selection and Negotiation. The Procurement Management Team (PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the PMT regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Comm-PASS. Comm-PASS is the official system of record for all procurement information which is publicly accessible at no charge at www.comm-pass.com. Information contained in this document and in each tab of the Solicitation, including file attachments, and information contained in the related Bidders' Forum(s), are all components of the Solicitation.

Bidders are solely responsible for obtaining all information distributed for this Solicitation via Comm-PASS, by using the free Browse and Search tools offered on each record-related tab on the main navigation bar (Solicitations and Forums). Forums support Bidder submission of written questions associated with a Solicitation and publication of official answers. All records on Comm-PASS are comprised of multiple tabs, or pages. For example, Solicitation records contain Summary, Rules, Issuer(s), Intent or Forms & Terms and Specifications, and Other Information tabs. Each tab contains data and/or file attachments provided by the Procurement Management Team. All are incorporated into the Solicitation.

It is each Bidder's responsibility to check Comm-PASS for:

- Any addenda or modifications to this Solicitation, by monitoring the "Last Change" field on the Solicitation's Summary tab, and
- Any Bidders' Forum records related to this Solicitation (see Locating a Online Bidders' Forum for information on locating these records).

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Response based on an out-of-date Solicitation or on information received from a source other than Comm-PASS.

Comm-PASS SmartBid Subscription. Bidders may elect to obtain an optional SmartBid subscription which provides value-added features, including automated email notification associated with postings and modifications to Comm-PASS records. When properly configured and managed, SmartBid provides a subscriber with:

- A secure desktop within Comm-PASS for efficient record management
- A customizable profile reflecting the subscriber's product/service areas of interest
- A customizable listing in the publicly accessible Business Directory, an online "yellow-pages" advertisement
- Full-cycle, automated email alert whenever any record of interest is posted or updated
- Access to Online Response Submission, when allowed by the Issuer, to support:
 - paperless bid drafting and submission to an encrypted lock-box prior to close date
 - electronic signature of OSD forms and terms; agreement to defer wet-ink signature until Contract award, if any
 - withdrawal of submitted bids prior to close date

- online storage of submitted bids

Every public purchasing entity within the borders of Massachusetts may post records on Comm-PASS at no charge. Comm-PASS has the potential to become the sole site for all public entities in Massachusetts. SmartBid fees are only based on and expended for costs to operate, maintain and develop the Comm-PASS system.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Debriefing. *☞ Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

1. The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the State Purchasing Agent at Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was

applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the State Purchasing Agent shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the State Purchasing Agent shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](http://www.mass.gov/osd) page (www.mass.gov/osd). Additional information about EFT is available on the [VendorWeb](http://www.mass.gov/osc) site (www.mass.gov/osc). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The PMT will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Filing Requirements. *⇒ Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it

determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Bid Duration. Bidders responses/bids made in response to this RFR must remain in effect for at least 90 days from the date of bid submission.

Pricing: Federal Government Services Administration (GSA) or Veteran's Administration Supply. The Commonwealth reserves the right to request from the successful bidder(s) initial pricing schedules and periodic updates available under their GSA or other federal pricing contracts. In the absence of proprietary information being part of such contracts, compliance for submission of requested pricing information is expected within 30 days of any request. If the contractor receives a GSA or Veteran's Administration Supply contract at any time during this contract period, it must notify the Commonwealth contract manager.

Pricing: Price Limitation: The bidder must agree that no other state or public entity customer within the United States of similar size and with similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the Commonwealth. If the Commonwealth believes that it is not receiving this lower price as required by this language, the bidder must agree to provide current or historical pricing offered or negotiated with other state or public entities at any time during the contract period in the absence of proprietary information being part of such contracts.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found under the Forms and Terms tab of this solicitation.

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the PMT. The PMT will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

Provider Data Management. *☞ Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual

Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The PMT reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.